



**King County**  
**Metropolitan King County Council**  
**Law, Justice, Health and Human Services Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	4-14	<b>Name:</b>	Nick Wagner
<b>Proposed No.:</b>	2014-0251 through 2014-0261	<b>Date:</b>	8 July 2014

**SUBJECT**

Confirmation of the Executive's appointment of the 11 initial members of the King County Public Defense Advisory Board.

**SUMMARY**

Proposed Motions 2014-0251 through 2014-0261 (Attachments 1-11) would confirm the Executive's appointment of the 11 initial members of the King County Public Defense Advisory Board. The committee interviewed four of the appointees on June 24. The remaining seven appointees will be interviewed on July 8. The proposed motions to confirm all 11 appointees will be on the committee's July 8 agenda for discussion and possible action.

The appointees are listed below in order of motion number:

<b>Name and Motion Number</b>	<b>Representing</b>	<b>Term Ends</b>
Matt Adams (2014-0251)	Northwest Immigrant Rights Project (recommended for focus on immigration)	June 2017
Thomas Hillier (2014-0252)	Washington Assn. of Criminal Defense Lawyers	June 2015
Sharon Armstrong (2014-0253)	King County Bar Association	June 2015
Sophia Byrd McSherry (2014-0254)	Washington State Office of Public Defense	June 2015
John Strait (2014-0255)	Washington Defender Association	June 2015
Jeffery Robinson (2014-0256)	Loren Miller Bar Association (as a minority bar association)	June 2016

<b>Name and Motion Number</b>	<b>Representing</b>	<b>Term Ends</b>
Paul Holland (2014-0257)	Plymouth Housing Group (recommended for focus on mental health, substance abuse, and poverty)	June 2016
Leonardo Flor (2014-0258)	Northwest Justice Project (recommended for focus on military veterans)	June 2016
Marc Boman (2014-0259)	Washington State Bar Association (recommended for focus on poverty)	June 2017
Kimberly Ambrose (2014-0260)	TeamChild (recommended for focus on juvenile justice)	June 2017
Saudia Abdullah (2014-0261)	Pioneer Human Services (recommended for focus on substance abuse and juvenile justice)	June 2016

## **BACKGROUND**

### **Creation of the Board**

The King County Public Defense Advisory Board (“the Board”) was created, along with the King County Department of Public Defense and the office of County Public Defender, by a charter amendment that the Council placed on the November 2013 ballot by adopting Ordinance 17614.<sup>1</sup>

Section 350.20.65 of the King County Charter (“Public Defense Advisory Board”) (Att. 23) provides that the County Council shall prescribe by ordinance the Board’s membership, the process and qualifications for appointment to the Board, and the Board’s rules and procedures.<sup>2</sup>

### **Duties of the Board**

Section 350.20.65 (Att. 23) assigns the following duties to the Board:

- “[R]eview, advise and report on the department of public defense in a manner that may be prescribed by ordinance”;

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<sup>1</sup> Both the Department and the Board were created in response to a Washington Supreme Court ruling and the proposed settlement of a class action lawsuit against King County regarding county benefits for public defense agency employees (*Dolan v. King County*).

<sup>2</sup> Section 2.60.031(C) of the King County Code (Att. 24) provides in part that the Board “shall establish its own rules of procedure, subject to the county charter, the county code and other applicable law, and shall choose its own chair.”

- “[A]dvise the executive and council on matters of equity and social justice related to public defense”;
- “In the event of a vacancy in the office of county public defender, . . . recommend candidates from whom the county executive shall make an appointment to fill the vacancy subject to confirmation by the county council”; and
- Such additional duties as the County Council may prescribe by ordinance.

Section 2.60.031 of the King County Code (Att. 24) assigns the following additional duties to the Board:

- Work collaboratively with the County Public Defender (KCC 2.60.031(B));
- Through the Board chair, consult with the County Prosecutor, the Courts, and the Department of Public Defense in the performance of all the Board’s duties except the recommendation of candidates to serve as County Public Defender (2.60.031(B));
- Meet at least once every two months (KCC 2.60.031(H)); and
- Issue at least two written reports to the Executive and the Council each calendar year: one on the Board’s review of the Executive’s proposed budget for public defense and one on the state of county public defense; the latter report must include an assessment of the county’s progress in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.

## **Board Membership**

The 11-member Board is required by the county code (KCC 2.60.031(D)) (Att. 24) to consist of one representative from each of the following:

1. The Washington Association of Criminal Defense Lawyers;
2. The Washington state Office of Public Defense;
3. The Washington Defender Association;
4. The King County Bar Association;
5. A bar association identified as a minority bar association by the Washington State Bar Association;
6. A nonpartisan organization active in King County that focuses on mental health issues;

7. A nonpartisan organization active in King County that focuses on substance abuse issues;
8. A nonpartisan organization active in King County that focuses on issues concerning military veterans;
9. A nonpartisan organization active in King County that focuses on issues related to poverty;
10. A nonpartisan organization active in King County that focuses on juvenile justice issues; and
11. A nonpartisan organization active in King County that focuses on immigration issues.

KCC 2.60.031(G) (Att. 24) sets the following additional requirements:

- “Each member of the advisory board shall have substantial experience and expertise that are relevant to the work of the department of public defense and shall have an ability and willingness to commit the time necessary to attend meetings and participate effectively as a member of the board.”
- “A majority of the members should have substantial familiarity with advocating on behalf of the indigent.”
- “To the extent practicable, the board membership shall reflect the diversity of the county.”
- “A member may not, while serving on the board, hold elective public office except precinct committee officer, be a candidate for elective public office except precinct committee officer, serve as a King County judicial officer, a King County prosecuting attorney or a King County public defender or be an employee of a King County court, the King County prosecuting attorney or the King County department of public defense.”

### **Terms of Board Members**

Board members serve three-year terms. To avoid excessive turnover, the terms are staggered, with the terms of three or four members expiring each year. To achieve this result, four of the initial board members are appointed to one-year terms, four are appointed to two-year terms, and three are appointed to three-year terms (KCC 2.60.031(E)). The term end dates for the initial appointees are listed in the table on the first two pages of this staff report.

The Council may reappoint Board members for additional three-year terms and may remove any Board member by motion adopted with the affirmative votes of at least five councilmembers. (KCC 2.60.031(E))

## **Board Selection Process**

The process for selecting Board members is prescribed in KCC 2.60.031(F). Briefly, the represented organizations are notified of board vacancies and are invited to recommend candidates to the County Executive, who makes appointments from among those recommended.<sup>3</sup>

The process that the Executive followed in soliciting recommendations was described as follows by the Executive's Chief of Staff:

We took an active and comprehensive approach to recruit based on the following three steps:

- First, we identified and sent letters to over 90 organizations who we thought had some connection to public defense, making them aware of this process and inviting them to nominate people for appointment.
- Second, we personally followed up with phone calls to all 90 organizations, and offered to meet with any who had further questions or interest in nominating individuals.
- Finally, as a result of our solicitation, we met with 14 groups, many of whom represent the various ethnic bar associations.

We also reached out to our labor partners, including SEIU 925, and received their feedback.

Based on this outreach, the Executive received recommendations from an impressive pool of candidates, 11 of whom are before you now.

## **Board Confirmation Process**

Council confirmation or rejection of an appointment to the Board requires “the affirmative votes of at least five members” (KCC 2.60.031(F)(4)) (Att. 24). If the Council rejects an appointment, the represented organization<sup>4</sup> is required to recommend to the Executive, within 30 days after receiving notice of the rejection, another candidate. The Executive then has an additional 30 days to make a new appointment from among all the recommended candidates (excluding those who have been rejected by the Council).<sup>5</sup> (KCC 2.60.031(F)(5) (Att. 24))

## **THE APPOINTEES**

In announcing the appointments, the Executive provided the following description of the appointees, who are listed in alphabetical order:

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<sup>3</sup> Section 2.60.031(F) (Att. 24) contains a number of procedural details and contingency provisions.

<sup>4</sup> That is, the organization that would have been represented by the rejected appointee.

<sup>5</sup> If the represented organization fails to recommend another candidate within 30 days, the Executive may either continue to wait indefinitely or choose from among the remaining candidates who have not been rejected by the Council.

- Saudia Abdullah is director of Pioneer Human Service's Federal Reentry Programs, which help people who have been incarcerated make a successful transition to community life. Abdullah has extensive experience in criminal justice reform, and played a role in the development of King County's therapeutic courts.
- Matt Adams is legal director at Northwest Immigrant Rights Project, one of the nation's largest immigration legal services organizations. Adams received the Jack Wasserman Memorial Award in 2008 from the American Immigration Lawyers Association in recognition of his "excellence in litigation in the field of immigration law." [Mr. Adams was interviewed by the committee on June 24.]
- Kim Ambrose is a senior lecturer at the University of Washington School of Law and director of Tools for Change: Race and Justice Clinic, a UW clinic she founded that focuses on racial disparities in the juvenile justice system. As a former public defender, Ambrose represented indigent adults and juveniles in both child welfare and criminal proceedings. [Ms. Ambrose was interviewed by the committee on June 24.]
- Hon. Sharon Armstrong is a retired King County Superior Court judge who twice served as chief criminal judge and co-chaired an advisory committee on public defender compensation models. She recently joined JAMS, the largest private provider of mediation and arbitration services worldwide.
- Marc Boman helped lead the reform of public defense in this state as co-chair with former Justice Robert Utter of the Washington State Bar Association's Blue Ribbon Panel on Criminal Defense. Boman is a partner at Perkins Coie and the former chair (and a current member) of the WSBA's Council on Public Defense. In 2009, he received the president's award from the Washington Defender Association for his commitment to improving public defense.
- Leo Flor is an attorney and Equal Justice Works fellow at the Northwest Justice Project who specializes in veterans issues. Flor is an Army veteran with combat experience in Iraq and Afghanistan and has served as special advisor on veterans affairs to Executive Constantine.
- Tom Hillier, who recently retired as the Federal Public Defender for the Western District of Washington, has been hailed for his work with indigent defendants and advocacy for federal sentencing reform. He worked as a federal public defender in Seattle for 38 years, 28 of them as chief, building an office described by The Seattle Times as "a model for indigent defense nationwide."
- Paul Holland is associate dean for academic affairs at the Seattle University School of Law. Before becoming dean in 2009, he directed the nationally recognized Ronald A. Peterson Law Clinic, through which law students work on real cases to serve poor and marginalized populations. He is a longtime

advocate for children and a former chair of the governor's Juvenile Justice Advisory Committee.

- Sophia Byrd McSherry is an attorney and deputy director of the Washington State Office of Public Defense. McSherry recently served on the King County Public Defense Criminal Justice Advisory Task Force.
- Jeffery Robinson is a partner at Schroeter, Goldmark, Bender and a nationally recognized trial attorney. He is past president of the Washington Association of Criminal Defense Lawyers and a recipient of its prestigious William O. Douglas award. A faculty member of the National Criminal Defense College in Georgia, Robinson was selected as one of the nation's top 100 African American lawyers by Black Enterprise magazine, and ranked as one of the top 10 criminal defense lawyers in the state by Washington Law & Politics magazine. [Mr. Robinson was interviewed by the committee on June 24.]
- John Strait is an associate professor of law at the Seattle University School of Law and a national expert on public defense and ethics. Strait has served on the Washington Supreme Court's Judicial Ethics Advisory Committee, the King County Bar Association's Campaign Ethics Committee and the Washington State Bar Association's Rules of Professional Conduct Committee. He also chaired the Seattle Port Authority's Ethics Advisory Committee. [Mr. Strait was interviewed by the committee on June 24.]

Biographical information about the appointees is attached to this staff report (Attachments 12-22).

Also attached to this staff report are:

- Selected information about the appointees (Attachment 25);
- Education and current employment of the appointees (Attachment 26);
- Diversity information about the appointees (Attachment 27); and
- The Executive's transmittal letter (Attachment 28).

## **INVITED**

1. Gail Stone, Law and Justice Policy Advisor, King County Executive Office
2. Saudia Abdullah, Public Defense Advisory Board
3. Sharon Armstrong, Public Defense Advisory Board
4. Marc Boman, Public Defense Advisory Board
5. Leonardo Flor, Public Defense Advisory Board
6. Thomas Hillier, Public Defense Advisory Board
7. Paul Holland, Public Defense Advisory Board
8. Sophia Byrd McSherry, Public Defense Advisory Board

[The other four appointees were interviewed on June 24 because they were unavailable on July 8.]

## **ATTACHMENTS**

### **Proposed Motions (by motion number)**

1. Proposed Motion 2014-0251 (Matt Adams)
2. Proposed Motion 2014-0252 (Thomas Hillier)
3. Proposed Motion 2014-0253 (Sharon Armstrong)
4. Proposed Motion 2014-0254 (Sophia Byrd McSherry)
5. Proposed Motion 2014-0255 (John Strait)
6. Proposed Motion 2014-0256 (Jeffery Robinson)
7. Proposed Motion 2014-0257 (Paul Holland)
8. Proposed Motion 2014-0258 (Leonardo Flor)
9. Proposed Motion 2014-0259 (Marc Boman)
10. Proposed Motion 2014-0260 (Kimberly Ambrose)
11. Proposed Motion 2014-0261 (Saudia Abdullah)

### **Appointees' application materials (in alphabetical order)**

12. Saudia Abdullah (2014-0261)
13. Matt Adams (2014-0251)
14. Kimberly Ambrose (2014-0260)
15. Sharon Armstrong (2014-0253)
16. Marc Boman (2014-0259)
17. Leonardo Flor (2014-0258)
18. Thomas Hillier (2014-0252)
19. Paul Holland (2014-0257)
20. Sophia Byrd McSherry (2014-0254)
21. Jeffery Robinson (2014-0256)
22. John Strait (2014-0255)

### **Other materials**

23. King County Charter § 350.20.65
24. King County Code § 2.60.031
25. Summary table
26. Education and current employment
27. Diversity information
28. Transmittal letter